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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SURGICAL INSTRUMENT SERVICE
COMPANY, INC.,

Plaintiff/Counter-Defendant,

v.

INTUITIVE SURGICAL, INC.,

Defendant/Counter-Claimant.

Case No. 3:21-cv-03496-AMO

**JOINT CERTIFICATION OF COUNSEL
REGARDING ADMITTED EXHIBITS**

The Honorable Araceli Martínez-Olguín

Pursuant to Civil Local Rule 5-1(g)(1)(A), Plaintiff Surgical Instrument Service Company, Inc. (“SIS”) and Defendant Intuitive Surgical, Inc. (“Intuitive”) (together, the “Parties”), hereby provide this Joint Certification of Counsel Regarding Admitted Exhibits.

The Parties certify that the admitted trial exhibits (denoted by “TX” in the table below) attached hereto and electronically uploaded to the online Box location designated by the Court, in accordance with Civil Local Rule 5-1(g)(4), are true and correct copies of the exhibits admitted by the Court and published to the jury in the above-captioned matter. The Parties certify that, in accordance with Civil Local Rule 5-1(g)(3), the photographs attached hereto as TX1643.001–.003, TX1644.001, TX1644.003, and TX1644.008–.010 are true and correct copies of photographs of physical evidence admitted by the Court and published to the jury.

The Parties certify that the court exhibits (denoted by “CX” in the table below) attached hereto are true and correct copies of the materials provided to a juror who was absent for one day of trial (CX001), and transcripts of deposition testimony played during trial but not transcribed by the court reporter (CX002–022).

The Parties certify that true and correct copies of the court exhibits and admitted trial exhibits that the court ordered to be sealed, *see* Dkt. 388, will be filed under seal in complete and unredacted forms in a separate docket entry. CX014 and CX016 are attached hereto with the portions of testimony ordered to be sealed redacted; the unredacted versions will be filed in a separate docket entry. TX1309-R was ordered to be sealed in its entirety; only a slipsheet for TX1309-R is attached hereto, and the complete version will be filed in a separate docket entry.

The complete list of court exhibits and admitted exhibits as certified by the parties and corresponding filing method is as follows:

Exhibit No.	Description	Filing Method
CX001	Materials for Juror 5	Attached hereto
CX002	Transcript of Deposition Testimony of AJ Inacay Played During Trial	Attached hereto

1	CX003	Transcript of Deposition Testimony of David Rosa Played During Trial	Attached hereto
2			
3	CX004	Transcript of Deposition Testimony of Glenn Vavoso Played During Trial	Attached hereto
4			
5	CX005	Transcript of Deposition Testimony of Bob DeSantis Played During Trial	Attached hereto
6			
7	CX006	Transcript of Deposition Testimony of Anthony McGrogan Played During Trial	Attached hereto
8			
9	CX007	Transcript of Deposition Testimony of Grant Duque Played During Trial	Attached hereto
10			
11	CX008	Transcript of Deposition Testimony of Nickola Goodson Played During Trial	Attached hereto
12			
13	CX009	Transcript of Deposition Testimony of Katie Scoville Played During Trial	Attached hereto
14			
15	CX010	Transcript of Deposition Testimony of Sharathchandra Somayaji Played During Trial	Attached hereto
16			
17	CX011	Transcript of Deposition Testimony of Daniel Jones Played During Trial	Attached hereto
18			
19	CX012	Transcript of Deposition Testimony of Colin Morales Played During Trial	Attached hereto
20			
21	CX013	Transcript of Deposition Testimony of Ronald Bair Played During Trial	Attached hereto
22			
23	CX014	Transcript of Deposition Testimony of Kevin May Played During Trial	Attached hereto as a public version with redactions applied to sealed testimony; an unredacted version will be filed under seal separately, <i>see</i> Dkt. 388
24			
25			
26			
27	CX015	Transcript of Deposition Testimony of Edward Harrich Played During Trial	Attached hereto
28			

CX016	Transcript of Deposition Testimony of Clif Parker Played During Trial	Attached hereto as a public version with redactions applied to sealed testimony; an unredacted version will be filed under seal separately, <i>see</i> Dkt. 388
CX017	Transcript of Deposition Testimony of Stan Hamilton Played During Trial (from June 4, 2021 Deposition)	Attached hereto
CX018	Transcript of Deposition Testimony of Stan Hamilton Played During Trial (from November 4, 2022 Deposition)	Attached hereto
CX019	Transcript of Deposition Testimony of Glenn Papit Played During Trial	Attached hereto
CX020	Transcript of Deposition Testimony of Chris Gibson Played During Trial	Attached hereto
CX021	Transcript of Deposition Testimony of Paul Plomin Played During Trial	Attached hereto
CX022	Transcript of Deposition Testimony of John Francis Played During Trial	Attached hereto
TX0136-R	09/25/2019 Email chain ending in email from K. Johnson to T. Brooks et al. re UMC Tucson, with attachments. (SIS095115 - SIS095139)	Attached hereto
TX0137-R	06/02/2020 Email from K. Johnson to J. Contreras et al. re Keith J SIS - Vizient presentation, with attachments. (SIS097139 - SIS097187)	Attached hereto
TX0139	08/02/2019 Email from K. Johnson to B. Paulsen et al. re Keith J SIS - da Vinci endowrist. (SIS096568 - SIS096568)	Attached hereto
TX0142	Da Vinci Customer Refurbish Sheet (SIS000167 - SIS000167)	Attached hereto
TX0147-R	06/11/2019 Email from G. Posdal to K. Johnson re Rebotix Repair Information, with attachments. (SIS071310 - SIS071332)	Attached hereto

TX0232	03/16/2021 Email chain ending with email from K. Johnson to J. Ayers re Keith J SIS - robotic program. (SIS000445 - SIS000448)	Attached hereto
TX0234-R	11/26/2019 Letter from R. Denis and K. Reiter to Dr. E. Pifer, L. Domanico, and J. Friedenberg re "refurbished" EndoWrist instruments. (SIS000202 - SIS000204)	Attached hereto
TX0235	12/10/2019 Email chain ending with email from K. Blenis to K. Johnson et al. re Marin Health - Patient Safety Implications Letter. (SIS000384 - SIS000386)	Attached hereto
TX0237-R	12/14/2021 da Vinci Xi Reprocessing Instructions Appendices. (Intuitive-02046437 - Intuitive-02046478)	Attached hereto
TX0238-R	09/01/2016 Supplier Services Agreement for Instrument Repair between Vizient Supply, LLC and Surgical Instrument Service Company, Inc. (SIS107399 - SIS107442)	Attached hereto
TX0279	04/25/2019 EndoWrist Service Procedure, by Greg Fiegel. (REBOTIX162404 - REBOTIX162424)	Attached hereto
TX0281	01/29/2019 RMA Analysis for possible life extension (2017-18). (Intuitive-00967614 - Intuitive-00967634)	Attached hereto
TX0282	02/08/2019 Intuitive Presentation titled "Quality Review Board - Base/Core I&A." (Intuitive-00967510 - Intuitive-00967542)	Attached hereto
TX0352	01/01/2024 DS28EC20 20kb1-Wire EEPROM Datasheet	Attached hereto
TX0461	2014-05 - Document - Intuitive Surgical, "Endo Wrist/Single-Site Instrument & Accessory Catalog," (Intuitive-00000129 - Intuitive-00000156)	Attached hereto
TX0463-R	2014-04 - Document - Intuitive "Instruments and Accessories User Manual (PN 550675-06 Rev. G)" (Intuitive-00000501 - Intuitive-00000639)	Attached hereto
TX0464	08/31/2018 Business Alignment Meeting Presentation (Intuitive-00001237 - Intuitive-00001311)	Attached hereto
TX0465-R	09/01/2014 Da vinci Surgical Systems Si User Manual (Intuitive-00002201 - Intuitive-00002501)	Attached hereto
TX0471	04/02/2019 Email from S. Sathyamurthy to A. Yiu et al. re Thoughts on Intelligent Surgery Campaign (Intuitive-00014395 - Intuitive-00014396)	Attached hereto

1	TX0475	02/01/2017 Document - Intuitive "ReWrite_LivesPlus5XiSiEquivalence" (Intuitive- 00027299 - Intuitive-00027303)	Attached hereto
2			
3	TX0489	11/26/2019 Email RE: Marin General - reprocessing Si instruments (Intuitive-00049108 - Intuitive-00049112)	Attached hereto
4			
5	TX0493	08/15/2019 - Document - Sales, License, and Service Agreement between Intuitive Surgical and Conway Regional Medical Center, Inc. d/b/a Conway Regional Health System (Intuitive-00067540 - Intuitive-00067547)	Attached hereto
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7			
8	TX0499-R	2018-03 - Document - Intuitive "da Vinci Xi Surgical System User Manual (PN 551400-11 Rev. B)" (Intuitive- 00096563 - Intuitive-00096864)	Attached hereto
9			
10	TX0507-R	06/28/2019 - Email - Intuitive internal correspondence regarding Evergreen Hospital "re-chipping" EndoWrists (Intuitive-00106127 - Intuitive-00106128)	Attached hereto
11			
12	TX0509	09/14/2019 - Email - Subject: "FW da Vinci EndoWrist Savings Opportunity (MS4788 - Surgical Instrument Repair" at UF Shands (Intuitive-00110252 - Intuitive- 00110254)	Attached hereto
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15	TX0512	02/15/2018 E-mail from Joseph Fridlin RE: Competition Questions for Hospitals (Intuitive-00113020 - Intuitive- 00113020)	Attached hereto
16			
17	TX0515	01/11/2019 Email RE: introductions/key competitors (Intuitive-00124485 - Intuitive-00124487)	Attached hereto
18			
19	TX0524-R	05/22/2017 "Unauthorized Instrument Reprogramming Overview" (Intuitive-00194074 - Intuitive-00194089)	Attached hereto
20			
21	TX0536-R	03/22/2017 "Preparation for Industry Panel Discussion - 'Robotic Surgery: How Big of an Explosion is Coming?'" - (Intuitive-00269124 - Intuitive-00269126)	Attached hereto
22			
23	TX540-R	2016-11 - Document - Intuitive "da Vinci Xi Surgical System Instruments and Accessories User Manual (PN 551457-10 Rev. B) (Intuitive-00284844 - Intuitive- 00284945)	Attached hereto
24			
25			
26	TX0541	03/03/2014 Document - Intuitive "IS4000 Basic Instruments Worst Case Instrument Identification and Rationale (Attachment 1 to Doc. No. 861445-02T Rev. E)" (Intuitive-00290826 - Intuitive-00290831)	Attached hereto
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TX0553-R	2019-07-29 - Email - Subject: "RE: Collection & Refurbishment Pilot" (Intuitive-00369327 - Intuitive-00369347)	Attached hereto
TX0560-R	11/11/2019 Powerpoint - Unauthorized Remanufactured Instruments Overview (Intuitive-00439333 - Intuitive-00439355)	Attached hereto
TX0572	10/15/2009 Document - Intuitive "Reliability/Life Test Report for Mega SutureCut TM Needle Driver P/N 4x0309 (Doc. No. 822505-02R Rev. A)" (Intuitive-00542459 - Intuitive-00542461)	Attached hereto
TX0573-R	09/29/2011 - Presentation - Orion "IS4000 8mm Base Instruments CDR (PN 819005-03 Rev A)" (Intuitive-00542796 - Intuitive-00542919)	Attached hereto
TX0574	09/26/2013 Document - Intuitive "Protocol 862287-01P for Life Test Verification of IS1200 and IS2000/IS3000 Mega SutureCutTM Needle Driver P/N 420309 and 400309 and Large SutureCutTM Needle Driver P/N 400296 and 420296 (Doc. No. 862287-01P Rev. A)" (Intuitive-00544199 - Intuitive-00544214)	Attached hereto
TX0602-R	1995-10-29 - Draft of 10/29/1995 Intuitive Surgical DevicesTM Business Overview Memorandum (Copy No. 26; Issued to Dave Rosa) (Intuitive-00595673 - Intuitive-00595694)	Attached hereto
TX0606	08/21/2017 Email - Subject: RE: Cost for Setting up "dragon" business and Att.: "US X&Xi Instrument Collection & Cleaning Cost Model 8.21.17.xlsx" (Intuitive-00603990 - Intuitive-00603992)	Attached hereto
TX0614-R	2020-09 - Presentation - Intuitive "Gen4 Instrument Refurbishment Pilot" (Intuitive-00626597 - Intuitive-00626616)	Attached hereto
TX0616-R	07/28/2017 Third Party Compatibility List, IS2000, IS3000 1009792-01-B (Intuitive-00645431 - n/a)	Attached hereto
TX0622	08/05/2021 Document - Intuitive "Manufacturing Process Instructions for General Cable Tensioning Method (Op. No. Dual Jaw 13)" (Intuitive-00705141 - Intuitive-00705142)	Attached hereto
TX0638	10/21/2019 - Email - Subject: RE: Gamma Compatible RFID (Intuitive-00999771 - Intuitive-00999775)	Attached hereto

TX0643	05/07/2018 - Email - Subject: reprogrammed instruments and Si portfolio (Intuitive-01019873 - Intuitive-01019873)	Attached hereto
TX0650	06/12/2019 - Email - Subject: "RE: Extended life project" (Intuitive-01085683 - Intuitive-01085685)	Attached hereto
TX0651	2019-11 - Presentation - Intuitive "Instrument Security Analysis" (Intuitive-01107582 - Intuitive-01107587)	Attached hereto
TX0670	05/24/2011 - Email - Subject: RE: RFID Tag (Intuitive-02068686 - Intuitive-02068686)	Attached hereto
TX0671	05/25/2011 - Email - Subject: RE RFID Meeting Action Items (Intuitive-02068695 - Intuitive-02068697)	Attached hereto
TX0769	01/24/2020 - Email - Subject: Fw: REB MEMORANDUM OF UNDERSTANDING (002) Att.: "REB MEMORANDUM OF UNDERSTANDING (002).docx" (REBOTIX067735 - REBOTIX067737)	Attached hereto
TX0783-R	2014-10-09 - Document - Rebotix "Product Specification: Rebotix Remanufactured EndoWrist REF420205 Fenestrated Bipolar Forceps (Doc. No. PS-PR420205 Rev. C)" (REBOTIX120669 - REBOTIX120697)	Attached hereto
TX0818	01/08/2015 - Document - Rebotix "Design Development Plan "Endowrist" DPPR1001 (DCN. 2014-009 Rev. C)" (REBOTIX133361 - REBOTIX133373)	Attached hereto
TX0836	Rebotix EndoWrist Demonstration Video [Native Document Placeholder] (REBOTIX175327 - REBOTIX175327)	Slipsheet attached hereto, Video uploaded to Box
TX0861	2019-09-15 - Document - Amendment to September 1, 2016 Agreement No. MS4788 (Vizient & SIS) (SIS000047 - SIS000049)	Attached hereto
TX0869	2019-09-15 - Document - Amendment to September 1, 2016 Agreement No. MS4788 (Vizient & SIS) (SIS047433 - SIS047435)	Attached hereto
TX0871	08/27/2019 Presentation - SIS & Vizient "da Vinci EndoWrist Service Program" (SIS106493 - SIS106498)	Attached hereto
TX0879	2014 - Document - Atmel "CryptoRF EEPROM Memory Full Specification" (SIS357309 - SIS357468)	Attached hereto

TX0933-R	03/14/2018 Email chain ending in email from S. Somayaji to S. Adhya et al re Cadiere has passed 30 SSUs!!! (Intuitive-00991241 - Intuitive-00991242)	Attached hereto
TX0934	09/06/2019 Email chain ending in email from S. Somayaji to A. Penfold et al re Ext. Lives Cost Per Instrument Savings Inquiry. (Intuitive-00999076 - Intuitive-00999076)	Attached hereto
TX0942-R	11/26/2019 Letter from Intuitive Surgical to E. Pifer re Marin General Hospital third party "refurbished" EndoWrist instruments. (SIS033232 - SIS033234)	Attached hereto
TX0943-R	02/14/2020 Letter from Intuitive Surgical to J. Buehrle re Banner Health third party "refurbished" EndoWrist instruments. (SIS092308 - SIS092310)	Attached hereto
TX1309-R	De Novo Classification Request Versius Surgical System CMR Surgical Limited (CMR-00000001 - CMR-00000169)	Attached hereto as a public slipsheeted version; a complete version will be filed under seal separately, <i>see</i> Dkt. 388
TX1314	03/02/2020 Phoenixville Hospital ROI for 2019 daVinci (Intuitive-00001639 - Intuitive-00001639)	Attached hereto
TX1323	03/09/2017 Email from B. Runman to E. Lubbers et. al. re Allina Q1 BAM slides, with attachment. (Intuitive-00033814 - Intuitive-00033872)	Attached hereto
TX1325	07/09/2019 Email chain ending with email from B. Runman to J. Lowe et al. re Essentia Brainerd - QTI, with attachments. (Intuitive-00038258 - Intuitive-00038297)	Attached hereto
TX1352-R	09/22/2017 da Vinci Xi Instrument Reprocessing Instructions (Intuitive-00512620 - Intuitive-00512739)	Attached hereto
TX1385-R	Video: dV - Xi Demonstration - Cholecystectomy (dissection of cystic artery and cystic duct) (Dr. Jerald Wishner, Northern Westchester Hospital Center) (Intuitive-00701338 - Intuitive-00701338)	Slipsheet attached hereto, Video uploaded to Box
TX1389	04/09/2018 Email from S. Brogna to D. Rosa et al. re Emailing - 4M Roadmap Background Material - 04-07-18	Attached hereto

	(003).pdf, with attachment. (Intuitive-00767277 - Intuitive-00767329)	
TX1394	02/18/2020 Value of Avoided Price Increase of Your da Vinci Surgery Program Presentation. (Intuitive-00942905 - Intuitive-00942913)	Attached hereto
TX1434-R	02/13/2015 Rebotix Documentation, "Risk Management Report" by R. Burke (REBOTIX084870_001 - REBOTIX084883_001)	Attached hereto
TX1438-R	02/11/2016 Risk Management Report: Remanufactured Surgical EndoWrists (REBOTIX133038_001 - REBOTIX133051_001)	Attached hereto
TX1441-R	04/16/2019 Letter from Intuitive to D. Mixner re Tampering with and Reprogramming da Vinci Surgical System Instruments (REBOTIX145274_001 - REBOTIX145279_001)	Attached hereto
TX1495-R	08/22/2019 Email from C. Gibson to G. Posdal re Agreement, with attachment. (SIS000035 - SIS000046)	Attached hereto
TX1497	07/11/1905 Collection of SIS Invoices (SIS000097 - SIS000112)	Attached hereto
TX1500	12/10/2019 SIS da Vinci EndoWrist Repairs flyer (SIS001684 - SIS001684)	Attached hereto
TX1503	09/25/2019 SIS Summary of Quality and Reliability Measures (SIS001703 - SIS001716)	Attached hereto
TX1514	11/22/2019 Email chain ending with email from K. Johnson to N. Jarquin et al. re Zoom meeting invitation - SIS robotic discussion. (SIS033225 - SIS033228)	Attached hereto
TX1546	08/26/2019 Email chain ending with email from B. Mirsberger to K. Johnson re Intuitive Si/SIS reprocessed instruments proposal (SIS092201 - SIS092203)	Attached hereto
TX1547	02/07/2020 Email from S. Knight to T. Ketter et al. re SIS TMC proposal, with attachments. (SIS092272 - SIS092304)	Attached hereto
TX1548	10/02/2019 Email chain ending with email from D. Perez to K. Johnson re Keith J SIS. (SIS092890 - SIS092892)	Attached hereto

TX1557-R	07/24/2019 Email from K. Johnson to M. Gender re Keith J SIS - robotic program, with attachments. (SIS096331 - SIS096352)	Attached hereto
TX1566-R	12/07/2021 Email from M. Klenke to K. Posdal et al. re SIS/Yankee Contract and Pricing, with attachments. (SIS127048 - SIS127078)	Attached hereto
TX1572	12/31/2019 SIS's 2019 Income Statement (SIS320176 - SIS320188)	Attached hereto
TX1573	12/31/2020 SIS's 2020 Income Statement (SIS320922 - SIS320935)	Attached hereto
TX1585-R	01/01/1998 Intuitive Surgical Form S-1	Attached hereto
TX1612-R	01/17/2019 Mississippi Board of Trustees of State Institutions of Higher Learning Board Book	Attached hereto
TX1632.001-R	12/31/2000 Intuitive Surgical Form 10-K - FY 2000	Attached hereto
TX1632.022-R	12/31/2021 Intuitive Surgical Form 10-K - FY 2021	Attached hereto
TX1633.003-R	02/10/2000 Sales and Service Agreement between Intuitive Surgical and Providence Health System-Oregon dba Providence St. Vincent Medical Center (Intuitive-01281282 - Intuitive-01281308)	Attached hereto
TX1634.323	04/30/2020 Use, License and Service Agreement between Intuitive Surgical and Marin General Hospital (Intuitive-01889952 - Intuitive-01889962)	Attached hereto
TX1635.002-R	04/21/2017 Letter from Hogan Lovells, on behalf of Intuitive, to Rebotix-Panama. (REBOTIX140044_001 - REBOTIX140053_001)	Attached hereto
TX1635.003-R	05/10/2017 Letter from Hogan Lovells, on behalf of Intuitive, to Rebotix-Panama. (REBOTIX140654_001 - REBOTIX140662_001)	Attached hereto
TX1635.012-R	11/15/2018 Letter from Intuitive to Restore Robotics LLC (Intuitive-00478439 - Intuitive-00478444)	Attached hereto
TX1635.014-R	02/12/2019 Letter from Intuitive to Restore Robotics LLC (Restore-00025577 - Restore-00025584)	Attached hereto
TX1641	Summary of SIS's Vizient-member Customers.	Attached hereto

1	TX1642	Summary of Intuitive's R&D investments as reported in Intuitive Form 10-K filings.	Attached hereto
2			
3	TX1643.001	da Vinci surgeon console	Photograph of physical exhibit attached hereto
4			
5	TX1643.002	da Vinci vision cart	Photograph of physical exhibit attached hereto
6			
7	TX1643.003	da Vinci patient cart	Photograph of physical exhibit attached hereto
8			
9			
10	TX1644.001	EndoWrist instrument – Mega Needle Driver for da Vinci X and XI	Photograph of physical exhibit attached hereto
11			
12	TX1644.003	EndoWrist instrument – Monopolar Curved Scissors for da Vinci X and XI	Photograph of physical exhibit attached hereto
13			
14	TX1644.008	Lenny instrument arm and instrument	Photograph of physical exhibit attached hereto
15			
16	TX1644.009	Mona EndoWrist	Photograph of physical exhibit attached hereto
17			
18			
19	TX1644.010	EndoWrist from da Vinci Standard	Photograph of physical exhibit attached hereto
20			
21	TX1674-R	08/09/2019 Email chain ending with email from K. Johnson to B. Mirsberger and S. Vanderzee re Keith J SIS - Thanks, with attachments. (SIS095967 - SIS095992)	Attached hereto
22			
23	TX1688	Pullman Regional Hospital Website - Da Vinci Surgical Robotics	Attached hereto
24			
25	TX1691	02/04/2019 Email chain ending with email from C. Gibson to J. Dulaney re Premier Custom Contract - RFP, with attachment. (REBOTIX048031 - REBOTIX048036)	Attached hereto
26			
27	TX1698	11/12/2019 Email chain ending in email from J. Herdman to J. Freehling et al. re Octover Rebotix repair Savings (REBOTIX065957 - REBOTIX065959)	Attached hereto
28			

TX1699	Financial Statements and Accountants' Compilation Report SIS as of and for the Years Ended December 31, 2023 and 2022	Attached hereto
TX1700	Financial Statements and Accountants' Compilation Report SIS as of and for the Years Ended December 31, 2021 and 2020	Attached hereto

Dated: February 7, 2025

By: /s/ Kenneth A. Gallo
Kenneth A. Gallo

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Intuitive Surgical, Inc.*

Dated: February 7, 2025

By: /s/ Richard T. McCaulley
Richard T. McCaulley

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7 *Attorneys for Plaintiff Surgical Instrument*
8 *Service Company, Inc.*
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E-Filing Attestation

I, Kenneth A. Gallo, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above have concurred in this filing.

Dated: February 7, 2025

By: /s/ Kenneth A. Gallo
Kenneth A. Gallo